IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

)
Case No.: 13-03053-CV-S-BCW

PROPOSED JOINT SCHEDULING ORDER AND DISCOVERY PLAN

Attorneys for Plaintiff and Defendant conferred by telephone for purposes of satisfying Federal Rule of Civil Procedure 26(f) on March 28, 2013. Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rules 16.1(f) and 26.1(c), and the Court's February 6, 2013 Rule 16 Notice, the parties submit the following for their Joint Proposed Scheduling Order and Discovery Plan:

- 1. All motions to join additional parties shall be filed on or before July 15, 2013.
- 2. All motions to amend the pleadings shall be filed on or before August 19, 2013.
- 3. All discovery motions shall be filed on or before October 30, 2013, and all dispositive motions shall be filed on or before December 16, 2013.
- 4. All pre-trial discovery authorized by the Federal Rules of Civil Procedure shall be completed on or before October 30, 2013.
- 5. The Plaintiff shall designate any expert witnesses it intends to call at trial on or before September 2, 2013, and the Defendants shall designate any expert witnesses they intend to call at trial on or before September 30, 2013. This paragraph applies to all witnesses from whom expert opinions will be elicited, regardless of whether the witness was specially retained to provide expert testimony.

- 6. The parties propose this case will be ready for a jury trial anytime after May 1, 2014. The parties anticipate the case will require three (3) days for trial.
- 7. This case involves claims by Plaintiff Wilder Auto, LLC ("Plaintiff) against Defendant for breach of contract, declaratory judgment, bad faith and vexatious refusal to pay from an insurance policy purchased by Plaintiff from The Cincinnati Insurance Company ("Defendants"). The claims relate to Defendant's refusal to pay Plaintiff's claims involving losses covered by the policy issued by Defendant in favor of Plaintiff. The discovery in the case will revolve around the policy, coverage under the policy, acts in which Plaintiff claims it was damaged, including but not limited to, Defendant's alleged conduct, as well as the nature and extent of the actual damages sustained. Defendant anticipates asserting defenses to Plaintiff's claims and to the damages alleged. These are the facts considered by the parties in arriving at the proposed deadline for the completion of discovery in the case.
- 8. The parties expect discovery will be conducted on Plaintiff's claims of declaratory judgment and breach of contract related to insurance coverage, the alleged prohibited behavior by the Defendant, Plaintiff's claimed damages as well as Defendant's defenses to Plaintiff's claims. The parties expect to promulgate written requests for the production of documents and interrogatories and request for admissions. They anticipate expert witness testimony will be required in furtherance of their claims, and depositions will need to be taken. Parties do not believe discovery should be conducted in phases or limited to or focused upon any particular issues.
- 9. The parties agree certain documents will be the subject of discovery for which a Protective Order will be necessary. The parties agree to work together in an effort to file a Joint Motion for Entry of a Stipulated Protective Order. If, for some reason, the parties are unable to

agree on language for a Joint Motion, the parties shall file a joint motion setting forth those areas upon which they agree and stating the areas that require resolution by the Court.

10. Due to scheduling conflicts of the parties and their counsel, the parties have stipulated and agreed to exchange the initial disclosures required by Rule 26(a)(1) on or before April 26, 2013, subject to the approval of the Court.

Dated: April 9, 2013

POLSINELLI SHUGHART PC

/s/ James E. Meadows

Attorneys for Plaintiff

JAMES E. MEADOWS, MO Bar #50874 jmeadows@polsinelli.com JENNIFER R. GROWCOCK, MO Bar #56496 jgrowcock@polsinelli.com 901 St. Louis Street, Suite 1200 Springfield, MO 65806 Fax: 417-869-9943

BROWN & JAMES, PC

/s/ Kenneth R. Goleaner

DAVID P. BUB, MO Bar #44554 KENNETH R. GOLEANER Brown & James, PC 800 Market Street, Suite 1100 St. Louis, MO 63101 Fax: 314-242-5572

Fax: 314-242-5572 Attorneys for Defendant